

Application No. 09/942,774
Response and Amendment filed June 17, 2004
Reply to Office Action of December 17, 2003

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): An electronic market for negotiating transactions regarding the exchange of transportation services between buyers and sellers, said electronic market comprising:

an auction transaction system, said auction transaction system being adapted to enable any one of said buyers or said sellers to conduct auctions for the exchange of transportation services;

a catalog transaction system in electronic communication with said auction transaction system, said catalog transaction system being adapted to enable said sellers to post quoted rates for various transportation services such said buyers may review quoted rates associated with desired transportation services; and

means for said buyers and sellers to communicate with said auction transaction system and said catalog transaction system, said means for communicating comprising an electronic data interchange system in electronic communication with said auction transaction system and said catalog transaction system and said means for communicating be adapted to enable said buyers and said sellers to interact through said catalog transaction system and said auction transaction system, and said buyers and said sellers being capable of designating selected other buyers and sellers as preferred trading partners with said auction transaction system or said catalog transaction system, and wherein particular ones of said quoted rates and particular ones of said auctions can be optionally made available to only said preferred trading partners.

Claim 2 (previously presented): The electronic market according to claim 1, further comprising an execution system in electronic communication with said auction transaction system and said catalog transaction system, said execution system allowing buyers and sellers to execute shipping transactions negotiated by said auction transaction system and said catalog transaction system.

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Claim 3 (original): The electronic market according to claim 2, wherein said catalog system allows an inquiring buyer to identify appropriate shipping services from said posted quoted rates for a desired shipment and said execution system sends electronic purchase orders to sellers associated with said select ones of said appropriate shipping services at the election of said inquiring buyer.

Claim 4 (original): The electronic market according to claim 2, wherein said auction shipping system allows an auction initiating party to identify winning bids for transportation services being auctioned and said execution system automatically sends electronic tender offers to said auction initiating party detailing said winning bids and associated bidders.

Claim 5 (original): The electronic market according to claim 4, wherein said auction initiating party can electronically accept or decline said electronic tender offers.

Claim 6 (original): The electronic market according to claim 2, wherein said execution system receives status update messages regarding scheduled and in transit shipments and said communication means enables said buyer and sellers to review said status update messages.

Claim 7 (original): The electronic market according to claim 6, wherein in response to receiving certain status update messages said execution system initiates commands to a remote private network of a selected buyer or seller.

Claim 8 (original): The electronic market according to claim 7, wherein said command is utilized by said private network to trigger accounting transactions regarding said scheduled and in transit shipments.

Claim 9 (original): The electronic market according to claim 7, wherein said command comprises email messages directed to individuals associated with said selected buyer or seller and said email reports relevant status information to said individuals based upon roles assigned to each of said individuals.

Claim 10 (original): The electronic market according to claim 1, wherein said auction

transaction system further enables buyers or sellers designated as preferred trading partners to bid in non-public and public auctions while those buyers not designated as preferred trading partners can bid only in public auctions.

Claim 11 (original): The electronic market according to claim 10, wherein said auction transaction system further enables an auction initiating party to hold an auction that comprises a plurality of levels wherein a first level begins said auction as a non-public auction and a final level completes said auction as a public auction.

Claim 12 (original): The electronic market according to claim 10, wherein said auction transaction system further enables an auction initiating party to hold a non-public auction that comprises a plurality of levels wherein said designated preferred trading partners differ for each level of said non-public auction.

Claim 13 (original): The electronic market according to claim 12, wherein said auction initiating party has the option of transforming said non-public auction into a public auction if no winning bid is submitted by said designated preferred trading partners.

Claim 14 (original): The electronic market according to claim 1, wherein said means for communicating comprises a web platform system in electronic communication with said auction transaction system and said catalog transaction system.

Claim 15 (original): The electronic market according to claim 14, wherein said web platform system is adapted to provide an interactive web site for use by said buyers and said sellers, said interactive web site being securely accessible over the Internet.

Claim 16 (original): The electronic market according to claim 15, wherein said interactive web site provides tracking and tracing information to each buyer of shipments that are scheduled to be delivered or in the process of being delivered by said sellers.

Claim 17 (cancelled).

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Claim 18 (currently amended): The electronic market according to claim 1, [[17,]]
wherein said electronic data interchange system is adapted to enable electronic
communication with private computer networks of said buyers and sellers.

Claim 19 (original): The electronic market according to claim 18, wherein said electronic
data interchange system uploads quoted rates for various transportation services from a
private computer network of at least one seller.

Claim 20 (previously presented): The electronic market according to claim 18, wherein
said electronic data interchange system downloads quoted rates to a private computer network
of at least one buyer.

Claim 21 (original): The electronic market according to claim 18, further comprising an
execution system in electronic communication with said auction transaction system and said
catalog transaction system and wherein said electronic data interchange system sends tender
offers and purchase orders generated by said execution system electronically to said sellers
via said electronic data interchange system.

Claim 22 (original): The electronic market according to claim 21, wherein said execution
system interacts with billing systems and messaging systems of private networks of said
buyers and said sellers through said electronic data interchange system.

Claim 23 (currently amended): A computer program product comprising a computer
computer readable medium having computer readable code embodied therein method for
negotiating transactions regarding the exchange of transportation services between buyers and
sellers that comprise a market place, said code providing instructions to perform operations
method comprising:

establishing an electronic exchange network, said exchange network enabling said
buyers at their option to schedule desired services according to transaction catalogs published
by said sellers, to place bids on transportation capacity being auctioned by sellers in seller's
auctions, or to conduct a buyer's auction enabling sellers to place bids on rights to perform
said desired services of said buyers; and

having at least some of said buyers or some of said sellers designate selected other buyers, other sellers, or combinations thereof as preferred trading partners with regard to one or more of said transaction catalogs, said auctioned capacity, and said auctioned rights to perform services, and wherein said preferred trading partners for each of said some buyers or some sellers are given preferential access over buyers or sellers not designated as preferred trading partners in said electronic exchange network to certain discounted shipping rates or certain auctions.

Claim 24 (currently amended): The computer program product method according to claim 23, [[22,]] wherein said electronic exchange network enables auctions to be either non-public or public, wherein only buyers designated by an initiator of a non-public seller's auction as preferred trading partners can place bids on the particular transportation capacity being auctioned in said non-public seller's auction, and wherein only sellers designated by an initiator of a non-public buyer's auction as preferred trading partners can place bids on the particular right to perform said desired services that is being in said non-public buyer's auction.

Claim 25 (currently amended): The computer program product method according to claim 24, wherein said non-public auctions are converted into public auctions if no winning bids are received from said designated trading partners.

Claim 26 (currently amended): The computer program product method according to claim 24, wherein said non-public auctions contain multiple auction levels wherein different preferred trading partners are designated for each level.

Claim 27 (currently amended): The computer program product method according to claim 23, wherein winning bids in said auctions are determined manually by an auction initiator at any time during the auction.

Claim 28 (currently amended): The computer program product method according to claim 23, wherein if a winning bid for each seller's auction is identified said electronic exchange network automatically sends a tender offer to an initiator of said sellers auction.

Claim 29 (currently amended): The computer program product method according to claim 23, wherein said electronic exchange network enables each of said sellers to publish one or more preferred customer catalogs that are made accessible by said electronic exchange network only to buyers that are designated preferred catalog customers by a publishing seller.

Claim 30 (currently amended): The computer program product method according to claim 23, wherein said published transaction catalogs comprise a description of transportation services quoted as being made available by each seller to said buyers and associated fee rates for those services, and wherein said buyer can identify services and rates for said desired services by matching said quoted transaction services according to a manner selected from the group consisting of:

manually reviewing said published transaction catalogs for sellers of interest, and manually identifying matching services having acceptable rates for said desired services;

querying said electronic exchange network so as to cause said network to search among said published transaction catalogs of one or more sellers and automatically identify matching services, and reviewing said automatically matched queried services and identifying a desired one of said automatically matched queried services; and

identifying a desired seller and describing said desired services and commanding said electronic exchange network to identify matching services from said published transaction catalog of said desired seller and to automatically select a best one of said matched desired seller services.

Claim 31 (currently amended): The computer program product method according to claim 30, wherein said electronic exchange network automatically sends, as appropriate, a purchase order for said matched desired seller services to said desired seller, a purchase order for said desired one of said automatically matched queried services to an appropriate seller, and a purchase order for said manually identified matched service having acceptable rates for said desired services to an appropriate seller.

Claim 32-33 (canceled).

Claim 34 (currently amended): The computer program product method according to claim 30, wherein said electronic exchange network automatically identifies said desired one of said automatically matched queried services.

Claim 35 (currently amended): A computer program product comprising a computer computer readable medium having computer readable code embodied therein method for conducting a multiple level non-public auction in a transportation services market among a plurality of buyers and a plurality of sellers, said code providing instructions to perform operations method comprising:

establishing a [[the]] format of the auction as having multiple levels of non-public auction, said levels being arranged from a first level to a last level;

defining auction parameters detailing a form of acceptable bids and an identification of a transportation service or capacity being auctioned, said auction parameters including the designation of certain buyers or sellers as preferred trading partners for one or more levels of said multiple level non-public auction wherein only those buyers or sellers designated as preferred trading partners may bid in any one level of said multiple level non-public auction; and starting at said first level and then for each level of said multiple level non-public auction:

publishing notice to said buyers or said sellers designated as preferred trading partners;

receiving bids from said designated preferred trading partners and monitoring said received bids for a winning bid; and

proceeding to a next level of said non-public auction, if available, if an instruction is received indicating no winning bidder has been identified from said received and monitored bids.

Claim 36 (currently amended): The computer program product method according to claim 35, wherein said instruction indicating no winning bidder has been identified from said received and monitored bids comprises a manual instruction by an auction initiator.

Claim 37 (currently amended): The computer program product method according to

claim 35, wherein said instruction indicating no winning bidder has been identified from said received and monitored bids is automatically given after the expiration of a set period of time of receiving and monitoring bids for a current level within which said set period of time said winning bid was not identified.

Claim 38 (currently amended): The computer program product method according to claim 35, wherein said winning bid must meet a pre-determined strike price, and wherein a received bid meeting said strike-price comprises an instruction to terminate said auction without proceeding to any remaining levels.

Claim 39 (currently amended): The computer program product method according to claim 35, wherein said last level comprises an auction opened to all of said plurality of buyers and said plurality of sellers.

Claim 40 (currently amended): The computer program product method according to claim 35, wherein preferred trading partners are designated for each level such that a number of potential bidders are added as preferred trading partners for said auction as each next level begins.

Claim 41 (new): The computer program product according to claim 35, wherein if said winning bid is identified from said received and monitored bids, said code further providing instructions to terminate said auction and send a tender offer regarding said winning bid.